

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 09-cr-001-01-SM

Jose Arroyo Castillo

O R D E R

On November 18, 2011, defendant appeared for a "probable cause" hearing under Fed. R. Crim. P. 32.1 on three alleged violations of conditions of supervision. The defendant stipulated to probable cause on violations number 1 and 2 and requested a probable cause hearing on violation number 3. Based on the findings and reasoning stated on the record, the court finds probable cause to believe he committed violation number 3. The final revocation hearing on all three violations is scheduled before Judge McAuliffe on December 21, 2011 at 1:30pm.

Defendant also requested a detention hearing pursuant to Fed. R. Crim. P. 32.1(a)(6). Under Rule 32.1(a)(6), the defendant bears the burden of establishing by clear and convincing evidence that he will not flee and that he poses no danger to any other person or to the community. Based on the testimonial evidence and proffers presented at the hearing, and for the reasons more fully stated on the record, the court finds the defendant has failed to meet this burden and that there are

no conditions that are likely to assure the safety of the community.

Accordingly, it is **ORDERED** that the defendant be detained pending a final revocation hearing.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED.

/s/ Daniel J. Lynch
Daniel J. Lynch
United States Magistrate Judge

Date: November 18, 2011

cc: Counsel of Record
U.S. Marshal
U.S. Probation